

REMARKS

The Applicant thanks the Examiner for the detailed Office Action.

This communication is in response to the non-final Office Action dated December 14, 2006 in which the Office objected to the specification, claim and the drawings, claims 2-9 were rejected under 35 USC 112 - 1st paragraph, claims 1-5 and 8-9 were rejected under 35 USC 112 - 2nd paragraph, and claims 1-9 were rejected under 35 USC 101, claims 1-9 were rejected under 35 U.S.C. 102(b) as anticipated by Microsoft Internet Explorer Version 6.0.2800.1106.xpsp1.020828-192oCO.

This communication is also in response to the Notice of Non-Compliant Amendment dated April 26, 2007.

There seems to be some confusion between the Examiner and the Applicant as to the claim amendments. Applicant believes the confusion is due to the claims on the EFS electronic File Wrapper that were purportedly submitted on Feb. 8, 2007. The claims in the EFS electronic File Wrapper are the clean version of amended claims 1-9. The claims in the EFS electronic File Wrapper are not the amended claims 1-9 that Applicant submitted on Feb. 8, 2007. The Notice of Non-Compliant Amendment dated April 26, 2007 contains the statements “[a] complete listing of all of the claim is not present,” “[e]ach claim has not been provided with the proper status identifier ...” and “[c]laims 1-9 must be cancelled if you are renumbering them 10-18.” These statements indicate to the Applicant that the clean

version of the claim listed on the EFS electronic File Wrapper are understood by the Patent Office as being newly added claims. On the contrary, on Feb. 8, 2007, Applicant was amending claim 1-9. Applicant would never submit the portion of the Response that contains the clean version of the claims as the amended claims. This misunderstanding seems to be the result of EFS incorrectly storing the submitted claims on Feb. 8, 2007. However, to make the changes clear in this Response, applicant cancels claims 1-9 and adds the clean version of claims 1-9 as new claims 10-18.

Amendments

Claims 1-9 were pending.

Claims 1-9 are cancelled.

Claim 10-18 are added.

Replacement sheets are provided for drawings 1-9.

A substitute specification is provided.

Thus, claims 10-18 are pending.

Discussion of Replacement and New Drawing Sheets

Replacement sheets 1-9 remedy the objections of the Nonfinal Office Action.

The amended sheets are labeled “REPLACEMENT SHEET.”

Sheets 1-2 are amended to add numbering to items in the drawings.

Sheets 1-9 are amended to add a header and page numbering.

Sheet 10 of prior art is added to provide disclosure in the figures of the “computer display” of claim 1. Sheet 10 is labeled “NEW SHEET.”

Sheets 11-14 are added to provide disclosure in the drawings of “each and every feature of the invention specified in the claims” 1-9 as required by 37 FCR 1.83(a). Sheets 11-14 are labeled “NEW SHEET.”

Discussion of Substitute Specification

The Substitute Specification contains no new matter.

Pursuant to MPEP 714 (b)(3)(i), please replace the specification in the file wrapper with the enclosed Substitute Specification.

Pursuant to MPEP 714 (b)(3)(ii) a version of the Substitute Specification is submitted.

Pursuant to MPEP 714 (b)(3)(ii) and 37 C.F.R. 1.125, the substitute specification remedies the objections to the specification, claims and the drawings, the rejection of claims 2-9 under 35 USC 112 - 1st paragraph, the rejections of claims 1-5 and 7-9 under 35 USC 112 - 2nd paragraph, the rejection of claims 1-9 under 35 USC 101 and the rejection of claims 1-9 under 35 U.S.C. 102(b).

Pursuant to MPEP 714 (b)(3)(iii) a Substitute Specification is submitted that is marked up to show all changes relative to the previous version of the specification.

Paragraph 3 is deleted and added as new paragraph 10.

Paragraph 4 is deleted.

In paragraph 5, the first two sentences are deleted and added to paragraph 34.

Paragraph 7 is deleted and added as new paragraph 11.

Paragraphs 8 and 9 are added as common, well-known matter.

The references to embodiments as “preferred” is deleted in paragraphs 12, 29 and 33 and in the title of the “detailed description section.”

Stylistic changes are made to the brief description of the drawings in paragraphs 13-21.

Paragraphs 22-26 are added as brief descriptions of new figures 10-14.

Paragraph 27 is added as common, well-known matter.

Paragraph 28 is added based on matter from paragraph 31.

Paragraph 30 is amended to add matter from the amended claim

2 and unamended claim 5.

Paragraph 32-33 are added based on matter from figures 1-2.

Paragraph 34 is amended to add matter from the unamended claim 3.

Paragraph 35 is amended to add matter from the unamended claims 4 and 6-8.

In paragraph 36, stylistic changes are made.

Paragraphs 45-55 are added as prior art written description support for the prior art drawing 10.

Paragraphs 56-63 are added as a written description support for the new figures 11-14, the matter of which was disclosed in the original filing and there contains no new matter.

Paragraphs 64-66 are added as common, well-known matter to constitute a conclusion section.

Discussion of objections to the specification

In response to the objection of a two paragraph abstract, the abstract is amended to merge the two paragraphs into one paragraph. Other modifications are made to the abstract to improve readability.

In response to the objection to the incorporation by reference in the “Background of the Invention” the incorporation by reference between paragraphs 3 and 4 is deleted.

Discussion of objections to the claims

In response to the objection to the dependency of the claims 1-9 pursuant to MPEP 608.01, claims 2-8 are amended to depend from claim 1, and claim 9 is amended to include matter from the former

unamended claim 1 in independent claim form.

In response to the objection to the lack of antecedent basis in claims 1-5 and 7-9, all antecedent basis is resolved by the current amendments.

Claims 1-9 are also amended to include annotation of aspects in the claims that are numbered in the figures.

Discussion of objections to the figures

In response to the objection of the drawing not showing every feature of the claim under 37 CFR 1.83(a), drawing sheets 10-14 are added.

Discussion of 35 USC 112 - 1st paragraph rejection

Claims 2-9 were rejected under the written description requirement of 35 USC 112 - 1st paragraph. In response to this objection, the specification is amended in paragraphs 33, 36-37 and 47 to provide support for claims 2-9. In accordance with 35 CFR 1.121(f) which requires that “No amendment may introduce new matter into the disclosure of an application” the matter of paragraphs 33, 36-37 and 47 existed in the application at the time of filing, so no new matter was introduced into the application by these amendments in accordance with 35 CFR 1.121(f). Applicant respectfully requests withdrawal of the 35 USC 112 - 1st paragraph rejection.

Discussion of 35 USC 112 - 2nd paragraph rejection

Claims 1-5 and 8-9 were rejected under 35 USC 112 - 2nd paragraph.

The Office Action identifies the following phrases in the claim as being particularly vague: "menus or computer platform programs", "link maybe represented", "it maybe represented", "licensed or proprietary computer based platform", "onboard systems or portable media", "managed or operated", "manual or other", "computerized systems or a networked computer", "equipment maintenance or other databases."

In response, claims 1-5 and 8-9 are modified extensively to eliminate vagueness. Applicant respectfully requests withdrawal of the 35 USC 112 – 2nd paragraph rejection.

Discussion of 35 USC 101 rejection

Claims 1-9 were rejected under 35 USC 101 as directed to non-statutory subject matter “with no useful result.”

In response, the claims are amended to require “computer accessible medium” which in itself removes the claims from the realm of the purely abstract. A computer accessible medium is a tangible medium and an operable medium.

Beyond the amendment to require “computer accessible medium” the claims also perform a tangible result. The amended independent claims require “display” of “construction project information on a computer display to users” which is very tangible. Thus, the amendments satisfy the 35 USC 101 rejection. Applicant respectfully requests withdrawal of the 35 USC 101 rejection.

Discussion of 35 USC 102(b) rejection

Claims 1-9 were rejected under 35 U.S.C. 102(b) as anticipated by

Microsoft Internet Explorer Version 6.0.2800.1106.xpsp1.020828-192oCO.

In response, the independent claim #1 and #9 are amended to require that the “project item” is a “construction industry project item.” “Construction industry” is not disclosed in the reference of Microsoft Internet Explorer, therefore, claims 1 and 9 and all of the dependent claims 2-8 are novel over the Microsoft Internet Explorer reference. Thus, applicant respectfully requests withdrawal of the 35 USC 102(b) rejection.

Conclusion

The pending amended claims 1-9 are all allowable because the specification and claims have been amended in response to the objections and rejections in the Office Action dated Dec. 11, 2007. Thus, applicant requests a Notice of Allowance for this patent application.

If any issues remain that prevent the dispatch of a notice of allowance, Applicant requests that the Examiner call the undersigned attorney.

Respectfully Submitted,



Dated: May 5, 2007

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